THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 899 of 2006

DATED: 17-01-2006

Between:

M/s.Kusumamba Modern Raw and Boiled Rice Mill, Nadakuduru, Karapa Mandal, E.G.District., rep.by its lessee Thummala Venkata Satyanarayana Murthy

..... PETITIONER

AND

1. Andhra Pradesh Eastern Power Distribution Corporation Ltd., rep.by its Superintendent Engineer, Rajahmundry and 5 others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.899 OF 2006

ORDER:

It is stated that the petitioner is doing rice-milling operations with Electrical Service Connection Nos.210/17376 and 210/18132 and has been paying the consumption charges regularly. While so, on 19-12-2005, the 6th respondent inspected the premises of the petitioner's Raw and Boiled Rice Mill

and submitted a report, on which the 3rd respondent issued provisional assessment notice dated 06-01-2006, provisionally estimating the value of the energy pilferaged by the petitioner at Rs.6,65,865/- and the power supply was also disconnected, and for restoration of the power supply, the petitioner was asked to pay 50% of the provisionally estimated amount. Accordingly, the petitioner paid Rs.3,15,000/- for restoration of the power supply. It is stated that at the time of inspection the meter terminal cover and meter board fixing are found to be in tampered condition.

However, I am of the opinion that under the provisional assessment notice, the service connections cannot be disconnected unless a reasonable opportunity is given to the petitioner.

Having regard to the facts and circumstances of the case, the said impugned notice is to be treated as show cause notice and the petitioner is permitted to file objections/explanation within seven days from the date of receipt of a copy of this order, and on receipt of such objections, the third respondent is directed to consider and dispose of the same in accordance with law and pass final assessment order under Section 126 (5 and 6) of the Electricity Act, 2003, and till then, the power supply may not be disconnected for non-payment of the provisionally estimated amount. On passing the final assessment order, the amount paid pursuant to the provisional assessment order may be adjusted in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

17th January, 2006

SKM